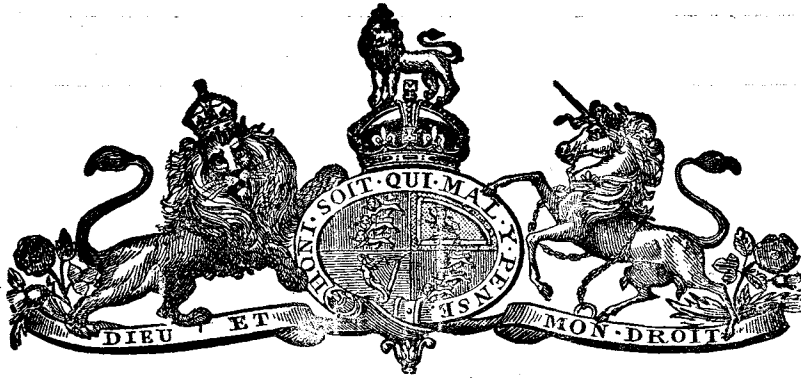


T A S M A N I A



1907.

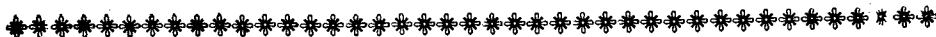
ANNO SEPTIMO

EDWARDI VII. REGIS,

No. 36.

ANALYSIS.

- | | |
|---|---|
| <ul style="list-style-type: none"> 1. Short title. Commencement. 2. Interpretation. “ District.” “ District Justice.” “ Tasmania.” 3. Repeal. 4. District Justices under repealed Act to be district Justices under this Act. Clerk of the Peace to publish list in <i>Gazette</i>. 5. Aldermen and councillors appointed Justices under repealed Act to continue to be Justices, but only during term of office unexpired. 6. Power to appoint Justices. 7. Mayors and wardens to be Justices <i>ex officio</i>. | <ul style="list-style-type: none"> 8. Resignation. 9. Oaths to be taken by Justices. Disqualification. Justices not obliged to take oaths more than once. 10. District Justices, &c., to have within district powers of territorial Justices. 11. Justices not to act out of district for which appointed. 12. Police magistrate may act alone. 13. Justice, although a ratepayer, may act in municipal matters. 14. Declaration, &c., required to be made before a Justice sufficient if made before a Justice for the place in which made. 15. Bankrupt incapable of acting as Justice. |
|---|---|



AN ACT to provide for the Appointment of ^{A.D.} 1907.
 District Justices of the Peace, and for
 other purposes. [5 December, 1907.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—
 6d.]

Justices.

- A.D. 1907.**
Short title.
Commencement.
- 1** This Act may be cited as "The District Justices Act, 1907," and shall commence and take effect as from a day to be fixed by proclamation by the Governor.
- Interpretation.**
- 2** In the interpretation of this Act, unless the context otherwise requires—
- "District."
 "District Justice."
 "*Tasmania*."
- "District" means—
- i. Every city;
 - ii. Every municipality:
- "District Justice" means and includes every person appointed and being a Justice for any district so long as he continues to reside therein: and
- "*Tasmania*" includes the dependencies thereof.
- Repeal.**
- 3** The Acts specified in the Schedule hereto are hereby repealed to the extent indicated in the Schedule.
- District Justices under repealed Act to be district Justices under this Act.**
- 4—(1.)** Every person appointed under any Act hereby repealed a Justice for any district so long as he resides therein, and holding office on the day before the commencement of this Act, shall continue to hold office as if appointed—
- i. Under this Act:
 - ii. In and for the district (within the meaning of this Act) in which he resides at the commencement of this Act:
 - iii. In and for such lastmentioned district so long as he continues to reside therein.
- (2.)** The Clerk of the Peace at *Hobart* shall, as soon as conveniently may be after the commencement of this Act, cause lists of such Justices as are referred to in this section to be prepared, showing therein the districts (within the meaning of this Act) wherein they respectively resided at the commencement of this Act; and every such list shall be published in the *Gazette*, and a copy of the *Gazette* containing any such list shall, on production, be *prima facie* evidence of the appointment as district Justices of the persons named in such list for the districts for which they are stated therein to be Justices.
- Aldermen and councillors appointed Justices under repealed Act to continue to be Justices, but only during term of office unexpired.**
- 5** Every alderman of a city, and every councillor of a municipality, appointed a Justice under any Act hereby repealed, in and for such city or municipality, as the case may be, during his continuance in office as such alderman or councillor, and holding office on the day before the commencement of this Act, shall continue to be a Justice during his continuance in office as alderman or councillor, but in respect only of his term of such office then unexpired, and the provisions of this Act, excepting Sections Four, Six, Seven, and Twelve, shall, with necessary alterations, apply.
- Clerk of the Peace to publish list in *Gazette*.**
- 6—(1.)** The Governor may from time to time, by notice in the *Gazette*, appoint such and so many persons, being resident in each district, as he thinks fit, to be Justices in and for each district so long as such
- Power to appoint Justices.**

Justices.

persons continue to reside therein; and may in like manner revoke any such appointment. Upon any person appointed a Justice for a district ceasing to reside therein, his appointment shall be deemed to be revoked.

(2.) Any person may, if the Governor thinks desirable, be appointed to be a Justice in and for any Two adjoining or adjacent districts; and upon any person so appointed ceasing to reside in either of such districts, his appointment shall be deemed to be revoked.

7 The mayor for the time being of every city, and the warden for the time being of every municipality, shall, by virtue of his office, and without any further commission or authority than this Act, be a Justice for *Tasmania* during his continuance in office.

At every court of petty sessions holden in any city or municipality, the mayor or warden of the city or municipality shall have precedence over all other Justices except the chairman of any court of general sessions of the peace holden within such city or municipality.

8 A Justice may at any time resign his office by writing, addressed to the Attorney-General of the State; and upon such resignation being accepted by the Governor, and upon such acceptance being notified in the *Gazette*, his office shall be vacated.

9—(1.) A person appointed or created a Justice shall not exercise any of the functions of his office until he has taken the oaths required by law to be taken by a Justice upon appointment to office. Every person appointed or created a Justice under this Act, or under any Act repealed by this Act, may be declared by the Governor disqualified to act for any cause for which a Justice for *Tasmania* may now be removed from the commission of the peace.

(2.) If any person shall have taken or shall hereafter take the oaths required by the law in force for the time being to be taken by a Justice on his appointment to office, and afterwards ceases or has ceased to hold such office, it shall not be necessary for him to again take the said oaths upon his again becoming a Justice, and he shall not incur any penalty or forfeiture for not again taking the said oaths.

10 Every district Justice shall have, and be deemed to have always had, when acting in the district in and for which he has been appointed, the same jurisdiction, power, authority, and privileges as a Justice for *Tasmania* has and may exercise and enjoy therein respectively.

11—(1.) Subject to the provisions of Subsection (2.) of this section a district Justice shall not sit or act as a Justice in any court of general or quarter sessions of the peace, or of petty sessions, or at any meeting of Justices under "The Assessment Act, 1900," or "The Licensing Act, 1902," not holden within the district in and for which he is appointed a Justice.

A.D. 1907.

Mayors and wardens to be Justices *ex officio*.

Resignation.

Oaths to be taken by Justices.
33 Vict. No. 25.
53 Vict. No. 9.

Disqualification.

Justices not obliged to take oaths more than once.
33 Vict. No. 25.

District Justices to have within district powers of territorial Justices.

Subject to Subsection (2.) Justices not to act out of district for which appointed.
64 Vict. No. 4.
2 Ed. VII. No. 32.

Justices.

A.D. 1907. (2.) A district Justice may, pursuant to and in conformity with the provisions of—

i. "The Licensing Act, 1902," be constituted by virtue of that Act, or be appointed or elected thereunder, a member of a licensing bench, and act as such member :

ii. "The Assessment Act, 1900," be and act as a member of a local authority—

notwithstanding that as such member he sits or acts outside the district in and for which he is appointed a Justice.

Police magistrate may act alone.

12 Every police magistrate shall have power to do alone whatever might be done by Two or more Justices sitting in petty sessions.

Justice, although a ratepayer, may act in municipal matters.

13 No Justice shall be disabled from acting in the due discharge and execution of his duties as Justice in any matter relating to any city, town, municipality, or any local authority or local governing body, by reason only of being a ratepayer or interested in common with the public.

Declaration, &c., required to be made before a Justice sufficient if made before a Justice for the place in which made.

47 Vict. No. 7, s. 11 (Tas.).

Cf. 54 Vict. No. 1105 (Vict.).

14 Where by any Act any affidavit or declaration is required to be made, or any document to be signed, before any Justice, it shall be sufficient if such affidavit or declaration is made or document is signed before a Justice for that part of His Majesty's dominions in which such affidavit or declaration is made or document is signed, as the case may be; and the signature of any person to such affidavit, declaration, or document purporting to be that of a Justice for that part of His Majesty's dominions in which the same is made or signed shall be received as *prima facie* evidence that such person is a Justice and signed such affidavit, declaration, or document, and had authority to administer such oath, or take such affidavit, declaration, or signature to such document, as the case may be.

Bankrupt incapable of acting as Justice.

15 If any person who is at any time a Justice is adjudged bankrupt, or makes any arrangement or composition with his creditors under "The Bankruptcy Act, 1870," or by any deed or other writing compounds with or makes any assignment for the benefit of his creditors, he shall thereupon become incapable of acting as a Justice until he has been newly assigned or appointed in that behalf.

Justices.

SCHEDULE.

A.D. 1907.

ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
34 Vict. No. 33	"The Debtors Act, 1870"	Section 19
42 Vict. No. 44	An Act to remove Disqualifications of Justices of the Peace in certain cases	The whole Act
47 Vict. No. 7	An Act to provide for the Appointment of District Justices of the Peace, and for other purposes	So much as is unrepealed
48 Vict. No. 1	An Act to amend an Act, intituled "An Act to provide for the Appointment of District Justices of the Peace, and for other purposes"	The whole Act
56 Vict. No. 3	"The District Justices Acts Amendment Act, 1892"	The whole Act
57 Vict. No. 11	"The Hobart Corporation Act, 1893"	Sections 52 and 326
58 Vict. No. 30	"The Launceston Corporation Act, 1894"	Section 64
6 Ed. VII. No. 31	"The Local Government Act, 1906"	Section 95

700

00 01 111 00000000

000000

000000 000000 000000

000000 000000 000000